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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,865	12/26/2006	Minoru Furuichi	292188US0PCT	8584

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

KRUER, KEVIN R

ART UNIT	PAPER NUMBER
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1794

NOTIFICATION DATE	DELIVERY MODE
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12/28/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/583,865	Applicant(s) FURUICHI ET AL.	
	Examiner KEVIN R. KRUER	Art Unit 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-12 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/13/07; 6/21/06</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statements filed 6/13/2007 and 6/21/2006 have been fully considered. Initialed copies of said IDSs are enclosed herein.

Drawings

1. The drawings filed 6/21/2006 are accepted.

Specification

2. The abstract of the disclosure is objected to because it is more than one paragraph. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 4-8, and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 53-071174 (herein referred to as Takiron) in view of JP 62-019208 (herein referred to as Hasegawa), as evidenced by US 5,468,540 and US 2005/0069716.

Takiron teaches a foamed syndiotactic 1,2 polybutadiene coated with a polyurethane (abstract). Herein the polyurethane is understood to read on the claimed polar resin since it is one of applicant's preferred polar resins (see claim 5). The foam has good weatherability; solvent, abrasion, scratch, and tear resistance, and good flexibility and feel (abstract). With regards to claims 11 and 12, the examiner takes the position that the preamble limitations "a medical member" and "an infusion set" do not further structurally limit the claim or distinguish the claimed invention from the article taught in Takiron.

Takiron does not teach the water contact angle of the polybutadiene should be reduced by ozone. However, Hasegawa teaches a method of affording hydrophilic properties to a hydrophobic porous film. The method comprises treating the porous layer with ozone (herein understood to read on the claimed ozone treatment) to introduce OH, CO and COOH functionality on the surface thereof and then treating the film with a solution of polyol in alcohol or acetone (abstract). Said treatment is herein understood to read on the claimed "adhesion by use of an organic acid solvent." Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to treat the polybutadiene porous film of Takiron according to the method of Hasegawa in order to increase the hydrophilic properties of the porous layer. It is known in the art that such an increase in polarity will result in improved adhesion to polar films such as the polyurethane taught in Takiron (see US 5,468,540 and US 2005/0069716).

With regards to claims 4 and 6, Hasegawa teaches hydrophilic properties are altered by the treatment taught therein. Therefore, it would have been obvious to the skilled artisan at the time the invention was made to vary the treatment taught in Hasegawa in order to optimize the hydrophilic properties of the polybutadiene surface.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP 53-071174 (herein referred to as Takiron) in view of JP 62-019208 (herein referred to as Hasegawa, as applied to claims above, and further in view of Shikinami et al (US 4,144,153).

Takiron in view of Hasegawa is relied upon as above, but does not teach the claimed crystallinity of the syndiotactic polybutadiene. However, Shikinami teaches such foamed polybutadienes with a crystallinity of 10-50% are degradable yet durable. Thus, it would have been obvious to utilize the syndiotactic 1,2 polybutadiene foams of Shikinami in the laminate of Takiron because such foams are durable yet degradable.

6. Claims 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP 53-071174 (herein referred to as Takiron) in view of JP 62-019208 (herein referred to as Hasegawa), as applied to claims above, and further in view of JP 10-182851A (herein referred to as Chen).

Takiron in view of Hasegawa is relied upon as above, but does not teach treating both substrate surfaces. However, Chen teaches the treatment of both surfaces with a modifying both substrates will lead to improved adhesion (abstract). Thus, it would have been obvious to the skilled artisan at the time the invention was made to treat both

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substrates according to the process of Hasegawa in order to improve adhesion between said substrates.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN R. KRUER whose telephone number is (571)272-1510. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Callie Shosho can be reached on 571-272-1123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kevin R Krue/

Primary Examiner, Art Unit 1794